

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

CINDY JO JOHNSON,

Plaintiff,

V.

CAROLYN COLVIN, Acting  
Commissioner of the Social Security  
Administration,

Defendant.

CASE NO. C13-5965 BHS

## ORDER ADOPTING REPORT AND RECOMMENDATION

This matter comes before the Court on the Report and Recommendation (“R&R”)

of the Honorable J. Richard Creatura, United States Magistrate Judge (Dkt. 24), and

Plaintiff Cindy Jo Johnson’s (“Johnson”) objections to the R&R (Dkt. 25).

On June 27, 2014, Judge Creatura issued the R&R recommending that the Court

uphold the Administrative Law Judge’s (“ALJ”) determination that Johnson was not

disabled. Pkt. 24. On July 11, 2014, Johnson filed objections. Pkt. 25. On July 25,

2014, the Government responded. Dkt. 26. On July 31, 2014, Johnson replied. Dkt. 27

The district judge must determine de novo any part of the magistrate judge's

disposition that has been properly objected to. The district judge may accept, reject, or

1 modify the recommended disposition; receive further evidence; or return the matter to the  
2 magistrate judge with instructions. Fed. R. Civ. P. 72(b)(3).

3 In this case, Johnson objects to Judge Creatura's findings that (1) the ALJ's  
4 rejection of Dr. James Powell's opinion was supported by a specific and legitimate reason  
5 supported by substantial evidence in the record and (2) the Court had previously  
6 determined that the ALJ properly rejected the opinion of Dr. George Mecouch. Dkt. 25.  
7 The Court disagrees with Johnson's objections. The ALJ's original reasons as well as the  
8 additional reasons given on remand were specific and legitimate and are supported by  
9 substantial evidence in the record. Moreover, the Court's prior order regarding Dr.  
10 Mecouch need not be revisited.

11 Therefore, the Court having considered the R&R, Johnson's objections, and the  
12 remaining record, does hereby find and order as follows:

13 (1) The R&R is **ADOPTED**;  
14 (2) The ALJ's decision is **AFFIRMED**; and  
15 (3) This action is **DISMISSED**.

16 Dated this 2nd day of September, 2014.

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BENJAMIN H. SETTLE  
United States District Judge